



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

PHILIP S. FRANK
Phone: (212) 356-0886
Fax: (212) 356-1148
pfrank@law.nyc.gov
(not for service)

August 24, 2022

BY ECF

Honorable John G. Koeltl
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: *Polanco v. Porter*, 21-cv-10176 (JGK) (BCM)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York, attorney for Defendants New York City Department of Education ("DOE") and DOE Chancellor David C. Banks in the above-referenced matter. This action concerns an appeal from an administrative decision that denied Plaintiff's request for tuition funding at the International Institute for the Brain (iBRAIN), a private school of Plaintiff's unilateral choosing, during the Plaintiff-student's 2020-2021 school year.

I write to respectfully request a 45-day extension of time, from August 26, 2022, until October 11, 2022, for Defendants to file their cross-motion for summary judgment and opposition to Plaintiff's motion for summary judgment. This is the first request for an extension. Counsel for Plaintiff consents to this request.

The primary reason for the requested enlargement is due to professional obligations in this and other matters. Specifically, because my Division has recently lost several experienced attorneys both this month and in recent months, my current workload has been substantially burdened, especially in light of my recently-assigned supervisory responsibilities, which include reviewing and reassigning cases from our departing attorneys. The length of the requested enlargement also accounts for the fact that despite my drafting of the instant letter request, I am currently out of the office on annual leave, from August 22, 2022 through September 2, 2022, returning to the office on September 6, 2022. And upon my return to work in early September, I have multiple settlement conferences, discovery obligations, and motion papers due in other matters, including opposition papers to a motion for a preliminary injunction

in a class-action lawsuit. The requested extension of time, therefore, will enable me to finalize my review of the lengthy administrative record and my draft of the motion papers.

Accordingly, Defendants respectfully request that the Court grant an extension of time, until October 11, 2022, for Defendants to file their cross-motion for summary judgment and opposition to Plaintiff's motion. Defendants also respectfully request a corresponding extension of the briefing schedule as follows:

- Defendants' cross-motion for summary judgment and opposition to Plaintiff's motion for summary judgement: October 11, 2022;
- Plaintiff's reply and opposition to Defendants' cross-motion: November 1, 2022; and
- Defendants' reply: November 22, 2022

I thank the Court for its consideration of this request.

Respectfully submitted,

/s/

Philip S. Frank

cc: All counsel of record (via ECF)

Application GRANTED. In light of the length of this extension, **no further extensions of these deadlines will be granted.** SO ORDERED.



Barbara Moses
United States Magistrate Judge
August 25, 2022